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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,981	12/30/1999	MASATO HUMA	991504	3229

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EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/446,981

Applicant(s)

HUMA, MASATO

Examiner

Thang V. Tran

Art Unit

2653

17

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2653

The amendment dated 09/10/02 has been considered with the following results:

1. Newly added claims 16-29 have been renumbered as 25-38 respectively.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 25-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogura et al. (US 6,269,065)

Ogura et al., according to Figs. 1A-6, shows a recording medium (see Fig. 1A and 1B for example) having a plurality of recording layers (layers L1 and L2), wherein a first data (program) are recorded on one of the recording layers (layer L1) at first recording density (normal data) and data relevant to the first data (same program) are recorded on the other recording layer (layer L2) at a second recording density higher than the first recording density

Art Unit: 2653

(see column 4, line 18 through column 5, line 50 for information related to density recording and sampling time for first data and relevant data), as recited in claim 25. For limitations in claim 26, see Figs. 1A, 1B and their respective disclosure. For limitations in claims 18 and 19, see column 3, line 6 through column 4, line 26. For limitations in claims 29, 33 and 37, see the rejection applied to claim 25 and further see respective disclosure of Figs. 2-3D for further details related to quantizing data, frequency component or sampling time or cycle of the first data and relevant data as further recited in claims 29, 33 and 37. For limitations related to claims 30-32, 34-36 and 38, see column 3, line 6 through column 4, line 26.

4. Claims 25-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Shikunami et al (WO 9630906).

Shikunami et al., according to Figs. 1-12, shows a recording medium having a plurality of recording layers (layers 220, 260), wherein a first data (information pit) are recorded on one of the recording layers at first recording density (information recorded on layer 260) and data relevant to the first data (information having same contents of first information) are recorded on the other recording layer (layer 220) at a second recording density higher than the first recording density, as recited in claims 25, 29, 33, and 37. Note: See an abstract and Figs. 1-10 of WO 9630906 or see respective disclosure of Figs. 1-10 in an equivalent US 6,269,065 of record as a translation for Figs. 1-10 in the WO 9630906 for limitations related to sampling time, quantizing data, frequency or sampling cycle as further recited in claims 25, 29, 33 and 37. For limitations in claims 26-28, 30-32, 34-36 and 38, see respective disclosure of Figs. 1-9 in an equivalent US 6,269,065 of record as a translation for Fig. 1-9 in the WO 9630906.

Art Unit: 2653

Note: The US 6,269,065, which is equivalent to the WO 9630906 used in this rejection, is not used as reference or prior art applied to reject the claimed invention, but it is just used as a translation for the WO 9630906.

Allowable Subject Matter

5. Claims 11-15 are allowed.


Response to Arguments

6. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Thang V. Tran
Primary Examiner
Art Unit 2653